

### **Remarks**

This amendment is being submitted in response to the Final Rejection Office Action dated January 26, 2007 in connection with the above-captioned application. The Office Action has been carefully reviewed. The following response is offered in an attempt to advance claims 1-5, 7-12 and 14-16 to allowance. Reconsideration and early allowance of all pending claims in light of the following Amendments and Remarks is courteously requested.

While recognizing that this amendment is being offered during the third month after final rejection, expedited action is requested since applicant has amended claims to conform to the "Allowable Subject Matter" paragraph of the final rejection.

The allowable subject matter of claim 6 has been inserted into amended claim 1, and the language of claim 1 before current amendment has been inserted into allowable claims 2-5.

Claim 6 has been canceled. Claim 13 has also been canceled as being the same as claim 9.

### **The Invention**

The invention is directed towards complete immobilization and solidification of nitrate or nitrite in aqueous waste, where the nitrates and nitrites form a crystalline structure within the solid, wherein selected reactions immobilize the nitrate ions or nitrite ions in the aqueous waste.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1 and 7-16 are rejected under 35 U.S.C. § 102 as being anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Snyder et al. U.S. 5,640,704. Allowable claim 6 language has been inserted into claim 1, as well as claim 1 language being inserted into allowable claims 2-5. Claims 7-12 and 14-16 are dependent on claims 1-5 which should now be allowable.

As the Examiner states in part 4 on page 4 of the Final Rejection: claims 2-6 each separately recite reaction of a specific compound and the prior art does not disclose or fairly suggest the claimed reactions in the method of immobilizing nitrate or nitrite ions in aqueous waste of the instant claims 2-6.

Since claim 1 should now be allowable and claims 2-5 are also allowable as amended, claim 1 and claims 7-12 and 14-16 are neither anticipated nor made obvious by Snyder et al.

Allowable Subject Matter

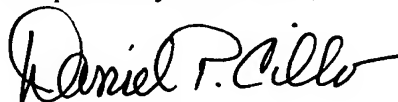
All claims 1-5, 7-12 and 14-16 contain or are dependent on claims which contain allowable subject matter from previous claims 2-6. Claims 2-6 have been rewritten in independent form as suggested in part 4 of page 4. For the sake of simplicity, claim 6 recitations were inserted into claim 1 and claim 1 limitations inserted into claims 2-5. Thus amended, independent claims 1-5 are allowable together with all claims dependent thereon

### Summary

All outstanding issues are believed to have been addressed. In view of the foregoing amendments and arguments, Applicant respectfully submits that amended claims 1-5, 7-12 and 14-16 are neither anticipated under 35 U.S.C. § 102 or made obvious under 35 U.S.C. § 103 by Snyder et al '704 and are in condition for allowance.

Applicant respectfully requests entry of the amendment and reconsideration and allowance of those claims.

Respectfully submitted,

A handwritten signature in black ink, reading "Daniel P. Cillo". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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